generally relating to malicious destruction of property.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 111

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

111.

(a)   Any person who shall wilfully and maliciously destroy, injure, deface or molest any real or personal property of another shall be deemed guilty of a misdemeanor.

(b)   If the amount of damage to the property defaced, destroyed, injured, or molested has a value of less than $300, the person who violates this section, on conviction, is subject to a fine not exceeding $500 or imprisonment not exceeding 60 days or both.

(c)   If the amount of damage to the property defaced, destroyed, injured, or molested has a value of $300 or more, the person who violates this section, on conviction, is subject to a fine not exceeding $2,500 or imprisonment not exceeding 3 years or both.

(D)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TWO OR MORE ACTS COMMITTED IN VIOLATION OF THIS SECTION PURSUANT TO ONE SCHEME OR CONTINUING COURSE OF CONDUCT, WHETHER FROM THE SAME OR SEVERAL ACTS UPON THE PROPERTY OF ONE OR SEVERAL PROPERTY OWNERS, MAY BE CONSIDERED AS ONE OFFENSE AND THE VALUE OF DAMAGE TO THE VARIOUS PROPERTIES MAY BE AGGREGATED IN DETERMINING THE PENALTY.

(2)   IF SEPARATE ACTS RESULTING IN DAMAGE TO THE PROPERTIES OF ONE OR SEVERAL OWNERS ARE SET FORTH BY SEPARATE COUNTS WITHIN THE SAME OR SEPARATE CHARGING DOCUMENTS, THE SEPARATE COUNTS MAY NOT BE MERGED FOR SENTENCING.

(E)   (1)   THE VALUE OF DAMAGE IS NOT A SUBSTANTIVE ELEMENT OF AN OFFENSE UNDER THIS SECTION AND NEED NOT BE SET FORTH IN THE CHARGING DOCUMENT.

(2)   NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A DETERMINATION OF VALUATION OF DAMAGE SHALL BE MADE BASED ON THE EVIDENCE AND APPLIED FOR THE PURPOSE OF IMPOSING THE PENALTIES ESTABLISHED IN THIS SECTION.